

EXHIBIT B

1:21-CV-00833

8/2/2021 5:47 PM

**Velva L. Price
District Clerk
Travis County
D-1-GN-21-003671
Alexus Rodriguez**

IN THE 200TH JUDICIAL DISTRICT COURT

TRAVIS COUNTY, TEXAS

TRENESE WHITE BELTON,

ଶ୍ରୀ କୃତ୍ତବ୍ୟାକାରୀ

Plaintiff,

४८

vs.

598

Cause No. D-1-GN-21-003671

**WAL-MART STORES TEXAS, LLC
and WALMART, INC.,**

- 5 -

Defendants.

5

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TRENESE WHITE BELTON, Plaintiff, complaining of WAL-MART STORES TEXAS, LLC and WALMART, INC., Defendants, and files this Original Petition and for cause of action would show this Court as follows:

1

Plaintiff is a resident of Travis County, Texas.

Defendant WAL-MART STORES TEXAS, LLC (hereinafter referred to as "Defendant Stores") is a Delaware limited liability company doing systematic and continuous business in the County of Travis, Texas and may be served with process by serving its registered agent, C. T. Corporation System, 1999 Bryan Street, Suite 900 Dallas, Texas, 75201.

Defendant WALMART, INC. (hereinafter referred to as "Defendant Walmart") is a
Delaware corporation doing systematic and continuous business in the County of Travis, Texas
and may be served with process by serving its registered agent, C. T. Corporation System, 1999
Bryan Street, Suite 900 Dallas, Texas, 75201.

Discovery in this case will be conducted at Level III.

II.

The accident giving rise to this cause of action took place on or about September 8, 2019, at Defendants' store which is located at 9300 South Interstate 35 Frontage Road, Suite B in Austin, Texas. Plaintiff fell as she was shopping at Defendants' store. The cause of Plaintiff's fall was liquid which existed on the floor of Defendants' premise. The liquid in question was created by the cleaning activities of Defendants' employees. Defendants and/or their respective agents, servants and/or employees knew or should have known of the danger presented by such condition, but negligently failed to reduce, eliminate or post a warning of the liquid on the floor. Plaintiff fell as the result of this condition causing the injuries and damages noted more fully below.

III.

At all times relevant hereto, Defendants owed a duty to the public in general, and the Plaintiff in particular, to use ordinary care to reduce or eliminate an unreasonable risk of harm created by a premises condition about which it knew or, in the exercise of reasonable care, should have known. Defendants and/or their respective agents, servants and/or employees breached this duty and were negligent in creating a dangerous premise by failing to clean the liquid from the floor or post a warning sign about the danger that the liquid presented to potential users. Such negligence constituted a proximate cause of the injuries and damages sustained by Plaintiff, noted more fully below.

IV.

As a direct and proximate result of Defendants' conduct, Plaintiff has been caused to suffer injuries and damages including, but not limited to the following:

- a) Physical pain and suffering, past and future;
- b) Reasonable and necessary medical care and expenses, past and future;
- c) Physical impairment and disfigurement, past and future; and
- d) Lost wages; past and future.

Plaintiff seeks compensation in whatever amount which the jury determines to be fair and reasonable, based on the evidence and within the jurisdictional limits of the Court in excess of \$250,000.00 but not to exceed \$1,500,000.00.

V.

Plaintiff requests a trial by jury.

VI.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendants be cited to appear and answer, and that on final trial Plaintiff have judgment against Defendants for all relief requested, as follows:

- a) Judgment against Defendants for actual damages in an amount which is within the jurisdictional limits of this Court in excess of \$250,000.00 but not to exceed \$1,500,000.00
- b) Pre and post-judgment interest as prescribed by law, until paid.
- c) Costs of suit.
- d) Such other and further relief, general and special, at law or equity, to which Plaintiff may be justly entitled to.

Respectfully submitted,

LAW OFFICE OF FREDRICK MANDELL
609 Laurel
El Paso, Texas 79903
(915) 351-7959
FAX (915) 351-2810
E-Mail: fmandell3@gmail.com

By:


FREDRICK MANDELL
State Bar No. 24032691